WOMEN'S RIGHTS in ISLAM

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PREFACE

'We must educate our fellow Muslims - and especially the youth for they are the leaders of tomorrow - with regard to the importance and viability of their Qur'anic traditions concerning women, the family and society.' Lois Lamya Faruqi

The purpose of this book is to explain to the reader in as concise a manner as possible, the basic rights of women in Islam with an awareness that much could be written in the days and years to come. This work may serve as a stepping-stone to a deeper study of the subject.

Everything inside quotation marks has come from two basic sources: the Qur'an and the Traditions of the Prophet Muhammad (SAAS) i.e. *Ahadith*. Chapter four of the Qur'an, *'An-Nisa'*, ('Woman'), has been referred to several times because many of the verses in it deal with the rights of women and with questions relating to family life in general.

In the present work an attempt has been made to draw a realistic picture of the woman's rights in Islam. The authoress, a practising young Muslimah has made an effort to see the subject for itself, rather than making comparisions with alien concepts; truth is left to speak for itself.

Conscious and unconscious prejudice against Islam has pervaded Western cultural notions ever since the time of the Crusades. The Western media has always misrepresented the rights of woman in Islam and painted a gloomy picture, not always innocently. The need for an accurate and more sympathetic understanding of the rights of women in Islam is indispensible for the present time, especially in the Western and Westernizing societies.

The book is a good effort in response to the moral necessity of the present time. The authoress has dealt with the subject with clarity of ideas and simplicity of expression. Insha Allah the book will benefit future generations as well as present society as an aid to understanding the rights of women in Islam.

Jamal-un-Nisa bint Rafai, PhD
London, 3rd Dhul-Hijjah 1409 (6th July 1989)

In the name of Allah the Beneficent the Merciful

'I did not create humanity and jinn but to worship Me'

The role designated for a Muslim woman by Islam is the clearest proof of the equality and rights that she enjoys within the faith. Being a woman does not absolve her from any of the following fundamental roles that she shares with her male counterparts:

* worshipping the Creator and Sovereign of this universe, the primary purpose for which all human beings were created.
* carrying out the duty of being the ***khalifatul Allah*** - God's vicegerent on earth - whose role is to bring mankind to Islam and to establish peace and justice and to enjoin right and forbid the wrong.
* having to perform the daily acts of ritual and general worship enjoined on the believer - for instance, prayer, giving charity, telling the truth, correcting error etc, all of which come under the banner of *ibadah*.
* having to answer for one's beliefs and actions on the day of Judgement when all humanity will be raised up and held to account.
* receiving the reward or punishment ordained by Allah on the basis of her performance of good deeds in this life.

The Qur'an of course makes it clear that the reward or punishment for fulfilling or not fulfilling these duties is absolutely equal:

'For Muslim men and women, for believing men and women, for devout men and women, for true men and women, for men and women who are patient and constant, for men and women who humble themselves, for men and women who give in charity, for men and women who fast (and deny themselves), for men and women who guard their chastity, for men and women who engage much in God's praise, for them has God prepared forgiveness and a great reward'. (33: 35)

It is however a fact that Allah in His wisdom ordained that all of animate creation is created in *zawaj*, pairs, and that our species, the species of

human beings is no different. Thus, we form a dual sex society. Each of the two sexes, male and female, have been created to fulfil a certain role: role specialization or responsibility if you will, for which it has been emotionally, mentally and physically prepared. This natural division of labour is part of the natural balance with which Allah has created our whole universe. According to it, the male is obliged to bear a greater part of the economic responsibilities, whilst the female is equipped to shoulder a greater part of the childbearing and rearing responsibility. This role specialization in no way negates the absolute equality of males and females in terms of their worth, first of all as human beings, and secondly as Muslims.

To find fault with this natural ordering of things, is to question God's wisdom or to waste one's time wondering 'Why was I born male and not female?' To actually alter the system is to **play** with nature - it is akin to buying a complicated machine and instead of using the Manufacturer's Operating Instructions, discarding them and making up one's own as time goes on. The consequence of such action can be seen in what has happened here in the West. Lois Lamya Faruqi, wife of Professor Ismail Faruqi, and like him a great commentator on Islam and the West, has observed:

"Probably all of you are familiar with the contemporary move towards unisex clothes and shoes, unisex jewellry and hairstyles, unisex actions and entertainments. This results from the current notion in Western society that there is little if any difference between the two sexes in physical, intellectual and emotional endowment, and that there should be no difference in their functions and roles in society. The dress and the actions are but a superficial evidence of a deeper conviction. Accompanied by a downgrading of the qualities and roles traditionally associated with the female sex. This current idea has generated a unisex society in which the male role only is respected and pursued. Although meant to bring a large measure of equality for women, the idea that men and women are not only equal but equivalent and identical, has actually pushed women into imitating men and despising their womanhood. Thus it is generating a new type of male chauvenism. Tremendous social pressures have resulted in the stripping from women of their role responsibilites..."

The result of these developments is that though women have been shown to be equal and even superior to men in some areas, they have been losing this privelege when they have been forced to compete with men as equals on a quantitative scale (something which the Equal Opportunities Commission regularly highlights in its Reports). Western families and Western society are in crisis, because women have been forced ".... to live a life devoid of personality and individuality".... Alienation is increasing, suicides are increasing, lonliness and depression are up, divorce and separation are rising, women are being exploited like never before for commercial and other less savoury purposes. Finally, male aggressiveness against women has increased to such an extent that the so-called liberated woman is counselled not to go out after 5pm in the winter for fear of being attacked.

Amazingly, it is this fallible Western model for the liberation of women which is being presented to the whole world as the one to be applauded and introduced into the so-called 'backward' societies; of course, Muslim communities are considered to be most in need of reform in terms of women's rights and role. The West's venomous and incessant onslaught against Islam's treatment of women has infact become so sustained and aggressive that some Muslims have been lead to think that Islam is unfair in its treatment of women, and that the West offers greater freedom and fairness.

Part of the reason for the success of Western propoganda is the fact that Muslim women are being denied rights and freedoms accorded to them in the name of Islam. It seems the only way to regain their rights is to abandon Islam, but in reality, many of the rights and freedoms that women have in this society have only been secured in the past 100 or so years, after a very long and bitter struggle which has caused women to question and overturn all the logical norms and invent a new ideology, 'Feminism'. For instance, adherents have argued that religion and history shows nothing but hatred towards, and subjugation of, women from the beginnning of time; others have wondered whether God is male or female; and yet others have made it fashionable to worry about the use of terms such as 'manhole' or 'mankind' because they argue, these terms are evidence of male domination!

Muslim women, in contrast, secured the same and indeed greater rights and freedoms over 1400 years ago with the advent of Islam. They were a revolutionary departure from the absolute lack of rights women had in contemporary civilizations and also meet any comparison with rights enjoyed by women in Western society today. These rights, and the honourable role envisaged for Muslim women implied by them, prove without doubt that Islam is neither backward nor repressive in respect of its treatment of women.

Of The Same Essence...

One of the reasons why other religions and civilizations treated women unfairly was that their 'origins of man' theories presented women as an inferior creation and responsible for the fall of man from the Garden. The Qur'an rectified these false theories stating that men and women had been created from a single soul - i.e. they were on the same continuum - and that women were not, as Christianity taught made from the rib of Adam and therefore an inferior creation.

'O Mankind! Reverence your Guardian Lord who created you from a single person, created of like nature his mate, and from them twain scattered countless men and women ....' (4:1)

Very important also was the absolution that the last revelation gave to women for their supposed guilt in causing the fall of the first man, Adam, from the Garden - a strong reason why Christianity contained scarcely disguised contempt for women - infact the Bible says that the woman's pain in pregnancy and childbirth is a punishment for causing the fall of man. The Qur'an makes it clear that though both Adam and Eve made a mistake, the burden of the responsibility lay with Adam rather than with Eve (RA), but that in any case both repented and were forgiven and so no guilt should be attributed to anyone, (Chapter 7 verse 19). The equality of creation and of spiritual worth given by Islam to women can be contrasted with the fact that only 30 years before the advent of Prophet Muhammad (SAAS*), the Christian Council of Nicea had decided by only the narrowest of majorities and bitterest of arguments that 'yes' women were humanbeings and 'yes' they did have souls. This negative attitude towards women displayed in the Council was perpetuated by Paul and the early Church Fathers who pre-

sented women as 'the doors to Hell' and 'mothers of all human ills'. It is no wonder that many women in the West felt the need to reject religion and God when several centuries later they began to campaign for equality and rights.

Equality of Worth...

Ensuing from the prinicíple that females were of the same essence as males, Islam abhorred the pre-Islamic Arab custom whereby fathers would bury alive baby girls born to them for fear of the loss of dignity and standing such births. It also educated Arab society into realizing that the female was not to be considered a mere chattal to be treated less favourably than her brothers: females were an equal blessing. One of the first sections of the Qur'an to be revealed mentioned female infanticide with reproach and later verses forbade the practice. Islam, however, went further, the Prophet (SAAS), (who was the exemplar of the meaning of the Qur'an), made it unacceptable for parents to discriminate unfairly in favour of their sons. He said:

> *'Whoever has a daughter and did not bury her alive, nor insult her nor favour his son over her, Allah will enter him into Paradise'*

The Prophet himself of course had four daughters and he was an exemplary father as the testaments of these daughters show.

Equality of Spiritual Worth...

The equality Islam gave to women in terms of spiritual worth was the next important right that Islam gave women. Women have the same religious duties as men and will be rewarded or punished according to exactly the same criteria as Muslim men. It is interesting to note that the honour of becomming the very first Muslim, and the honour of becomming the very first martyr of Islam were <u>both</u> given to women - Khadijah, wife of the Prophet (SAAS) and Sumaya Umm Ammar (RA*).

Educational Rights...

Education improves one's life chances and gives one opportunities to seek new horizons and a better understanding of life and its potential - this op-

portunity and right is not denied to women, infact seeking knowledge is enjoined on them. The Qur'an's constant refrain is that one should, 'see', 'look', 'think', 'judge', 'reflect', i.e. the seeking of knowledge is constantly encouraged. The Prophet (SAAS) emphasized the importance of education more when he said: *'Seek knowledge even if it takes you to China'* and *'Knowledge is incumbant on every male and every female'*. Islam did not, as others did, put obstacles in the way of women to prevent them from educating themselves and indeed went further, it not only obliges women to be students, but also urges them to be teachers. History has given us the names of many famous and authoritative female scholars who were so knowledgeable that men would seek information and judgements from them, even if they had to cross deserts to do so: the names of the Prophet's wife Aisha, Asma bint Yazid and Asma bint Abi Bakr (RA) are particularly mentioned. Women were permitted to leave their homes to seek education and received a high social standing for doing so. Even after the demise of the Prophet and the first four rightly-guided Caliphs, women came to prominence in the intellectual field, a fact that is recorded in the early histories of Islam.

Marital Rights...

After their primary responsibility as Muslims, Muslim women, by virtue of the fact that they are females, have a responsibility for performing the child-bearing and child-rearing functions when they marry. Unlike in other societies where marriage has been a means by which women were subordinated and denied a host of rights, marriage does not in any way diminish the woman's rights as a Muslim first of all, and secondly, as an independent legal personality. The great French sociologist Maurice Guadfroy Demombynes said: ...'The Qur'anic Law gives the wife a status which is in many respects more advantageous than that bestowed by modern European laws'.... Modern commentators such as Germaine Greer have also commented favourably on Islam's treatment of the married woman.

Women have the right to consent in marriage - marriage is not valid until the woman has been consulted. It is related that the Prophet (SAAS) offered to dissolve the marriage of a woman who had been married against her will to a man; she decided to remain married to him, but said "I complained only that other women might know that they have a say in this matter". Any

contract that a woman makes as a condition of her marriage must be upheld - the Prophet (SAAS) said that of all the contracts which should be strictly honoured, the one that brings two people together in marriage is the most important. On marriage she has the right to maintain her maiden name - an important symbol of the fact that she doesn't become subsumed into the identity of her husband and to keep any property or wealth she may bring into the marriage with her.

A woman has the right to keep the *mahr* (or marriage gift / dower) which is a pre-requisite of the marriage and this may never be taken by her husband, unless it is freely offered to him. Her rights to economic independence remain in marriage and furthermore, she has the right to be totally supported by the husband in all her needs - food, clothing, lodging, medication, entertainment etc. Indeed, there is a specific directive that if a woman of wealth is married, her husband must provide for her according to the standard she is accustomed (providing that he can afford this); this includes employing a home-help for her if she is not used to domestic work (washing dirty dishes and cleaning the house is not, infact, part of the obligations that a wife owes her husband). If a husband is miserly, the wife has the right to take from his property without his permission to satisfy the economic needs of herself and her family.

Islamically, a wife has the same rights as her husband to satisfaction when it comes to intimate relations - something that was only acknowledged as being necessary and desirable at the beginning of this century in this country. The wife has the right to be treated with love, fairness and compassion by her husband: there is constant emphasis on the fact that marriage is a blessing which should bring happiness and peace and joy - if it does not and the husband is at fault, the wife has an equal right to sue for divorce. It is interesting to note that all of these rights in marriage are legally recognized: women are allowed to seek recourse in law if they are not being treated kindly by their husbands, or they are miserly or if desertion is feared etc. As an example of how this system worked, it is interesting to recall an incident which occured duing the Khalifat of Umar (RA): a woman came to complain to the Khalif that her husband spent all day and all night in ibadah - and therefore was not giving her any love and attention. Umar (RA) <u>ordered</u> the husband to devote a fair portion of his time to his wife so

that she could enjoy her matrimonial rights.

The Honour of Motherhood...

If the wife becomes a mother, then she is given an extra place of honour and dignity in Islam, both Qur'an and sayings of the Prophet (SAAS) emphasize this:

...'Reverence God through Whom you demand your mutual rights and (reverence) the wombs (that bore you): for God ever watches over you' (4:1)

Once the Prophet was asked by a man about whom he should give his best companionship to. He was told: *"Your mother!"* The man asked, "Then who after my mother?" The Prophet said: *"Your mother!"* The man said, "Then who after her?" The Prophet said: *"Your mother!"* The man asked again, "Then who after my mother?" Then the Prophet said: *"Your father"*. Three times he mentioned the mother before the father as being most worthy of one's best companionship and treatment. The Prophet also said that *'Paradise lies at the feet of the mother'*.

A wife can continue to seek education and to work so long as her noble career as a wife and mother is not compromised - Islam seeks perfection, if a wife can pursue her career in the home and outside of the home with equal success, she is free to do so otherwise she should concentrate on the single most important career in the Islamic context, that of nurturing the future generation - an important full-time career which requires great dedication and professionalism. In the West, scorn is poured on women who stay at home to serve their husbands and families: they are presented as being unliberated. Yet women who do no more than cook in restaurants, or serve strangers on an aircraft or organize the affairs of their employers are considered to following a 'career' and therefore more worthy despite the fact that the actual work is no different to what a housewife would do for the family members who love and honour her. Now, Western women are coming to realize the serious consequences for their children of being separated from them due to career interests outside the home. Delinquency, vandalism, and intoxicant abuse are blamed on the lack of attention working mothers give to their young children.

At this juncture it is important to counteract the claims of those critics who say that the Qur'an calls for the subjugation of wives to husbands and women to men generally. The mistranslated verses of the Qur'an normally used to justify such claims are CH.2 v.228 and CH.4 v.34. But these verses do not call for a subjugation of men to women in a 'gender-based dictatorship'; such a call would run contrary to all the other verses which call for equality of the sexes and honouring of women. Careful analysis of the meaning of the Arabic words used in these verses reveals that whilst there is establishment of the principle of patriarchal family organization, this does not mean that the male members of the family are by definition superior and have a right to rule the family in an autocratic, tyrannical or domineering way. Rather, ultimate responsibility for the stability and well-being of the family is placed with the most senior male who is required to carry out this role in a benevolent way as the protector of the family unit.

Claims that the Qur'an sanctions the 'beating' or abuse of wives can also be shown to be a vicious smear against Islam. The following hadith of the Prophet (SAAS) and the fact that he never raised his hand against his wives provide the best proof of this: *'Wouldn't you feel ashamed to chastise your wife by beating her like an animal during the day, whilst at night you wish to embrace her?'*

Work Rights...

All Muslims are given the right to work, without regard to gender, but unlike in the case of education, Islam does not make work obligatory for women because, as was said earlier, men have been given the duty of shouldering the burden of maintaining their families.

'Men are the protectors and maintainers of women because Allah has given the one more strength than the other and because they support them from their means...' (4:34)

If a woman wanted to work however, any profession permissible for men would be equally permissible for the woman so long as it does not compromise her feminity or place her in an enviroment where her dignity would be undermined; in addition, women are permitted to rise to the pinnacle of their profession. Women are entitled to receive a fair rate for the work that

they are doing and if a particular job has a particular rate of pay, a woman would be entitled to that pay and not any less because of her gender - something which is still not practised in this country, as Equal Opportunity Commission Reports show every year.

Among the women who worked during the time of the Prophet (SAAS) were Khadijah, the Prophet's first wife, who was a successful business woman. Zainab bint Jahsh was a skillful artisan, Ash Shifa Al Qarashiyyah taught literary skills during the Prophet's life time and during the *khalifat* of Umar was employed to administer a souk in Mecca. Other women had plots of date palms etc which they would farm and then market, whilst still others nursed the sick and wounded, e.g. Rufaydah. Many women would accompany men to the battlefield for the purpose of tending the wounded - 'Florence Nightingales' several centuries before Florence Nightingale appeared herself.

Islam gives a husband the right to forbid his wife from working if it would disrupt her primary role as a wife and mother or the occupation itself is harmful or demeaning, however, if it so happens that she is performing a job which is a public service - e.g. she is teaching or practising medicine, or offering her services as a midwife - then the husband should not prevent her from continuing. Infact, today, there are many areas in which Muslim women's involvement is a necessity; for instance, many Muslim parents want their daughters to be educated in single-sex schools, but there is a shortage of educated and qualifed sisters to take up posts in schools that are being planned or which have started; women are also needed in the social and medical fields. Ironically, it is those who want their families treated by female medical staff who often deny their daughters the right to receive the education that would qualify them for such posts. Muslim girls have to be encouraged to enter such fields. It is considered a form of *ibadah* if a Muslim girl were to seek education and training in order that she can contribute to the progress of the Muslim community and provide services which are needed.

Freedom from 'Sexploitation'...

Islam gives women freedom from exploitation as sex objects in the dress code that it enjoins on them. Some people have claimed that legislating on

how to dress in an invasion of individual freedom, but dressed in a way that hides her beauty from the attentions of men who are not related to her by blood or marriage, the Muslim woman is able to give a clear signal to everyone that she wants to be treated as an intellectual personality. One of the main aims of Islam's dress code is to promote morality in society and the burden for this is not exclusively left with women - men are also required by the Qur'an to dress and behave modestly (Chapter 24 verse 30 - 32). Islamic dress (commonly called ***Hijab***, but more properly called ***Satr***) is not designed to segrate women from society, it gives her the licence to play a full and active part without the fear of harrassment or unfair treatment.

It is interesting to note that as a result of the numerous attacks on women, many in the West are beginning to realize that when one dresses in a way that over-advertises one's beauty it is natural that adverse attention is often attracted. In an article following the disappearance of estate agent Suzy Lamplugh, the journalist blamed feminists for not seeing '...the dangers and complexities of women invaders in a hitherto man's world'... and for encouraging women to '...dress as they they wished without regard to the dangers'...

Economic Independence...

Islam gives women the right to be economically independent. Unlike the situation in the West where until the end of the last century it was not possible for a married woman to hold property on her own, to contract with other persons, or to dispose of her property without the consent of her husband, the Qur'an proclaims the right of every woman to buy and sell, to contract and to earn, and to hold and manage her own property and money without the need to refer to her father or husband. It was only in 1870 that English Common Law accepted the principle that married women had the right to have some control over her own property and that it could not be transfered without her permission to her husband on marriage, the same principle was only recognized by France in 1937. Even if the wife is wealthy in her own right, the husband has no right to take from his wife's money to support the family - he has to support his wife with his own resources. Furthermore, 1400 years ago, the Allah granted women a right to a share in inheritance, where before they had been an object of inheri-

tance themselves:

'From what is left by parents and those nearest related there is a share for men, and a share for women, whether the property be small or large - a determined share.' (4:7)

Equality Before the Law...

Islam gives women the right to equality under the law: she is regarded as an individual legal personality and is not a mere adjunct of her husband or father. This right, however, carries corresponding responsibilities: if the woman commits a civil or criminal offence, the Qur'an tells us that her penalty is no more or less than a man's whether it be the punishment for adultery or that for persistant stealing because of greed. On the other hand she is entitled to the same compensation as a man if she is wronged or harmed; indeed, if her honour and chastity is questioned by a man and no evidence is brought by him, he is punishable. She may participate in the social and political affairs of her community and may even participate in active defence of her homeland and faith - although she is exempted from the obligation to fight. It is interesting to note that Western women only won the right to vote during the beginning of this century; in contrast, Muslim women had this right from the earliest years of Islam and regularly participated in the political process. They can be respresentatives in *Shura* (parliament) and may hold ministerial posts in the areas in which they are expert. Women may also be judges according to certain schools of Islamic thought.

Conclusion...

The point to note about these rights and equalities given to women is that they have come from a just Allah; it was not necessary for women to fight for these natural rights and overturn the basic balance or natural order with which the universe and human society has been created in doing so. Non-Muslim women, because they were born into a faith that was not directly from Allah and therefore contained all the misogynist paraphenalia of the fallible males responsible for Western religion and ideology, had to fight a dire battle to gain these same rights. The price for for society as a whole has been heavy.

Islam offers a solution to the question of male and female relations facing Western society, but the Muslims have a different problem: Muslim women are not perceived to be as having roles and rights that are **enviable**. For much too long Muslim women have been in a shadow: voluntarily, by habit or because their men folk have put them there. It was said at the beginning that a Muslim, irrespective or his or her gender has an individual and collective role to fulfil as a Muslim and indeed Allah has given us guidance on how it should be fulfilled:

'The believers, men and women are protectors one of another: they enjoin what is just, and forbid what is evil; they observe regular prayers, practise regular charity and obey Allah and His Apostle. On them will Allah pour His mercy: for Allah is exalted in power, Wise' (9:71)

Implicit in the role of a Muslim discussed at the beginning is **positive action.** Muslim women however, are generally quietistic. There are a few noble exceptions of course - film footage of the Palestinian uprising or the struggle of the Mujahideen in Afghanistan or the campaign that led to the toppling of the Shah in Iran, in all of these Muslim women have been seen to be playing a visible and crucial role as Muslims first, and women second. Unfortunately, these are the exceptions; Muslim women and even more Muslim men have forgotten about the higher role that they have and have forgotten how they should be co-operating together to fulfil this role as Allah's vice-gerents. Many women, it seems, are happy to be judged on their abilities as cooks and babysitters and not on their piety, their willingness to make a contribution to the progress of mankind, their ability to be living examples of active Muslims nor even by their ability to raise their children properly. Many other women and young girls who do want to fulfil their potential as MUSLIMS are not given endorsement or encouragement by parents, relatives and the leaders of the community. Even worse, many women have to submit to denial of their rights as Muslims and as women - it is of course these examples which the West and its media are always able to highlight in order to castigate Islam. If women had indeed been created to be subservient, and play a quietistic role, they would not have been given the rights which put them on a qualitative par with their brothers in faith and they would not have been honoured with the role of *khalifatul Allah.*

The West has lost its way because it has been relying on fallible human prescriptions. They need to find Islam, but they will only be willing to see what it has to offer if it can see Muslim men - and especially women - finding happiness and fulfilment in Islam and acting to the honourable role set for them by it.

'Whoever works righteousness man or woman, and has Faith, verily to him will We give a new Life, a life that is good and pure and We will bestow on such their reward according to the best of their actions' (16: 97)

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* SAAS means *Sallah Allahu Alayhi wa Sallam*, meaning may the peace and blessings of Allah be upon him (said when the name of Prophet Muhammad is mentioned)

RA means *Radiya Allahu anhu, anha or anhum*, meaning may Allah be pleased with him / her / them (said whenever a companion of the Prophet is mentioned)